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PUBLIC SCHOOL TEACHERS. WAITING PERIOD FOR PERMANENT STATUS. SCHOOL EMPLOYMENT DECISIONS. INITIATIVE STATUTE.

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PUBLIC SCHOOL TEACHERS. WAITING PERIOD FOR PERMANENT STATUS. SCHOOL EMPLOYMENT DECISIONS. INITIATIVE STATUTE. California Initiative 1736 (2015).
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The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

PUBLIC SCHOOL TEACHERS. WAITING PERIOD FOR PERMANENT STATUS.

SCHOOL EMPLOYMENT DECISIONS. INITIATIVE STATUTE. Increases length of service required before a teacher may become a permanent employee, from two consecutive school years to five consecutive school years. Gives local public school boards sole authority to set policies for, and ends collective bargaining over, teacher transfers, reassignments, layoffs, or re-employment, and the start date of the school year and hours in the school day. Prohibits seniority as a primary consideration in such policy decisions. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government:

Local educational agencies (LEAs) likely would experience net higher costs in the low tens of millions of dollars statewide due to conducting more frequent teacher evaluations and having to modify their employment policies. LEAs might incur various other fiscal effects relating to teacher compensation, teacher turnover, collective bargaining, and employment hearings, but the net impact of all these factors is difficult to determine. (15-0078.)

November 3, 2015

Office of the Attorney General
1300 "I" Street, 17th Floor
Sacramento, CA 95814
Attention: Ashley Johansson, Initiative Coordinator

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Local Control and Accountability in Education Act

Dear Ms. Johansson:

As proponents of the "Local Control and Accountability in Education Act" (15-0078), we are amending our initiative. Our amendment deletes Section 10 and re-numbers the remaining sections accordingly. We have enclosed an amended copy of our initiative with the section to be removed deleted in red.

Thank you for your assistance.

Sincerely,



HEIDI L. GALLEGOS



STEPHEN J. COX

Enclosures

Please direct all correspondence and inquiries regarding this measure to:

Robinson Bradford, LLP
3255 West March Lane, #230
Stockton, CA 95219
(209) 954-9001

California Local Control and Accountability in Education Act.

SECTION 1. Title. This measure shall be known and may be cited as the "Local Control and Accountability in Education Act."

SECTION 2. Findings and Declarations. The People of the State of California find and declare current California statutes do not enable employing authorities for local schools to expeditiously and properly address human resource management issues to best serve the needs of children and be fair to all certificated employees.

SECTION 3. Purpose and Intent. In enacting this Act, the people of the State of California do hereby declare it is their purpose and intent to:

1. Ensure that every child has an effective teacher.
2. Ensure every school has an effective principal.
3. Establish local control and flexibility for governing bodies of local schools to manage certificated employees in a manner that best serves the educational needs of all students.
4. Enable parents and registered voters to hold governing boards accountable to develop policies that are in the best interest of students and fair to adults employed in the schools.
5. Ensure accountability for funds entrusted to schools for salaries are invested in effective teaching at every school site, each day, for an entire school year.
6. Provide greater autonomy from Sacramento and provide greater transparency to parents and the public with regard to the management of certificated employees.

SECTION 4. Effective Date. This measure shall take effect on January 1st following voter enactment or the expiration of any existing collective bargaining agreement or memorandum of understanding pertaining to collective bargaining in effect at time of passage, whichever is later. All new collective bargaining agreements and memorandums of understanding shall conform to this measure.

SECTION 5. Policy Decisions. The following policy decisions regarding certificated employees will be under the sole authority of the local educational agency governing boards and adopted by resolution at a public meeting of the board:

- Transfer.
- Reassignment.
- Layoff and Re-employment.
- Instructional hours during normal school day.
- Start date of instruction for the school year.

SECTION 6. Use of Seniority. Seniority shall not be the sole or primary consideration in any policy decision covered by Section 5.

SECTION 87. Open Meetings. All policy decisions covered in Section 5 shall be enacted by a resolution of the local educational agency governing board in an open public meeting.

SECTION 98. Superseding Statutes. Notwithstanding any other provision of law, the provisions of this measure shall supersede all California statutes in conflict with the measure to the extent they are in conflict.

SECTION 10. ~~Due Process Protection.~~ ~~Certificated employees of school districts shall be entitled to the due process provisions consistent with *Skelly v State Personnel Board*, (1975) 15 Cal.3d 194.~~

SECTION 119. Permanent Status. Certificated employees of local educational agencies hired after enactment of this measure may be granted permanent employee status only after the completion of a satisfactory teaching performance in each of five consecutive school years as determined by the governing board.

SECTION 1210. Standing. Any parent or registered voter residing in the county of jurisdiction shall have standing to petition the Court for enforcement of these provisions and will be eligible for reasonable attorney fee and court costs if the petition is granted.

SECTION 131. Severability. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SECTION 1412. Conflicting Initiatives.

- (a) In the event that this measure and another initiative measure or measures relating to certificated school employee personnel matters appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure shall be null and void.
- (b) If this measure is approved by voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

SECTION 153. Proponent Standing.

- (a) ~~(a)~~—The people of the State of California declare that the proponents of this Act have a direct and personal stake in defending this Act and grant formal authority to the proponents to defend this Act in any legal proceeding, either by intervening in such legal proceeding, or by defending the Act on behalf of the people and the State in the event that the State declines to defend the Act or declines to appeal an adverse judgment against the Act.

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- (e) (b) In the event that the proponents are defending this Act in a legal proceeding because the State has declined to defend it or to appeal an adverse judgment against it, the proponents shall: (1) act as agents of the people and the State; (2) be subject to all ethical, legal, and

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California Local Control and Accountability in Education Act.

fiduciary duties applicable to such parties in such legal proceeding; and (3) take and be subject to the Oath of Office prescribed by Article XX, section 3 of the California Constitution for the limited purpose of acting on behalf of the people and the State in such legal proceeding.

~~(d)~~(c) Notwithstanding any other provision of law, if the State, Local educational agency, or any of its officials fail to defend the constitutionality of this Act, following its approval by the voters, the proponent, or in his or her absence, any citizen of this State shall have the standing to intervene in any court action challenging the constitutionality of this Act for the purpose of defending its constitutionality, whether such action is in trial court, on appeal, and on discretionary review by the Supreme Court of California and/or the Supreme Court of the United States. The fees and costs of defending the action shall be a charge on funds appropriated to the Attorney General, which shall be satisfied promptly.